06-06-03   09/13141

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

RECEIVED JUN 10 2003

Technology Center 2600

Address to:	
Mail Stop CPA **Commissioner for Patents** **P.O. Box 1450** **Alexandria, VA 22313-1450**	

Attorney Docket No. of Prior Application	82771P270
First Named Inventor	Mohan V. Kalkunte
Examiner Name	Frank Duong
Group/Art Unit	2664
Express Mail Label No.	EV127105974US

This is request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number ~~09/131,141,~~ 09/213096 filed on ~~August 7, 1998,~~ entitled ~~Method and Apparatus for Preserving Frame Ordering Access Across Aggregated Links Between Source and Destination Nodes.~~

DEC 17, 98 Method and Apparatus for preserving Flow Order across Links of a multilink Trunk

NOTES

FILING QUALIFICATIONS: *The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).*

C-I-P NOT PERMITTED: *A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR 1.53(b).*

EXPRESS ABANDONMENT OF PRIOR APPLICATION: *The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.*

ACCESS TO PRIOR APPLICATION: *The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.*

35 U.S.C. 120 STATEMENT: *In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).*

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

06/25/2003 PZIHIERM 00000001 09213096

01 FC:1006
02 FC:1205
03 FC:1204

1. ☒ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.

2. ☒ A preliminary amendment is enclosed.

3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).

   a. ☐ *DELETE* the following inventor(s) named in the prior nonprovisional application:

     _____

   b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. Information Disclosure Statement (IDS) is enclosed:

   a. ☐ PTO-1449

   b. ☐ Copies of IDS Citations

[Page 1 of 2]

Based on PTO/SB/29 (05-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 05/02/2003.
SEND TO: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

06/09/2003 CNGUYEN 00000151 09131141

02 FC:1202 .... 36.00 OP
03 FC:1201 .... 84.00 OP

Adjustment date: 06/09/2003 CNGUYEN
01 FC:1006

Adjustment date: 06/09/2003 CNGUYEN
02 FC:1202
03 FC:1201

06/09/2003 CNGUYEN 00000151 09131141   750.00 OP
01 FC:1006

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	22 -20* =	0	x $ 18.00 =	$
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4 -3** =	0	x $ 84.00 =	
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+$_____ =	
				BASIC FEE (37 CFR 1.16)	750.00
			Total of above Calculations =		$750.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	$750.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to
Deposit Account No. _____ - 02 2666 :
    a. ☐ Fees required under 37 CFR 1.16.
    b. ☐ Fees required under 37 CFR 1.17.
    c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of _____ $870.00 _____ is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months
(not to exceed 3 months) and the fee under 37 CFR 1.17(i) enclosed.

11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

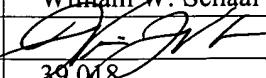12. a. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
    b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other: _____

NOTE: *The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

☒ Customer Number of Bar Code Label

08791

or ☐ Correspondence address

Name	
Address	

City		State		Zip Code	
Country		Telephone		Fax	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (Print/Type)	William W. Schaal
SIGNATURE	
Registration No. (Attorney/Agent)	39,018
DATE	June 5, 2003

RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Mohan V. Kalkunte et al.	Examiner: Frank Duong
Application No.: 09/213,096	Art Group: 2664
Filed: December 17, 1998	Date of Mailing of Office Action: 02/05/2003
For: METHOD AND APPARATUS FOR PRESERVING FLOW ORDER ACROSS LINKS OF A MULTI LINK TRUNK	

AMENDMENT AND RESPONSE UNDER 37 CFR §1.116

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, DC 20231-9998

Sir:

In response to the outstanding Advisory Action, mailed May 16, 2003, Applicants submit the following claims and arguments being filed with a Continued Prosecution Application (CPA):

IN THE CLAIMS

Following is a complete set of claims as amended with this Response.

1. (Currently Amended) A method for improving receive performance in a data network, the method comprising:

receiving up to a plurality of indications denoting the start of frame transmission on a corresponding plurality of communication links;